

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

RODNEY HENRY,

Defendant.

CRIMINAL FILE NO.

1:14-CR-98-1-TWT

**ORDER**

This is a criminal action. It is before the Court on the Report and Recommendation [Doc. 72] of the Magistrate Judge recommending denying the Defendant's Motion to Vacate Sentence [Doc. 45]. For the reasons set forth in the thorough and well-reasoned Report and Recommendation, trial counsel did not render ineffective assistance of counsel in failing to object to the 6 level enhancement for more than 250 victims. Habeas counsel fails to address at all the question of prejudice in her Objections. No rational Defendant would have rejected the plea agreement and insisted upon going to trial over the additional 2 level enhancement for the number of victims. Doing so would have cost the Defendant 3 points for acceptance and the benefit of a 5K1.1 departure for cooperation. Therefore, there was no prejudice. All other claims are barred by the appeal waiver. The Court approves and adopts the

Report and Recommendation as the judgment of the Court. The Defendant's Motion to Vacate Sentence [Doc. 45] is DENIED. No Certificate of Appealability will be issued.

SO ORDERED, this 25 day of July, 2018.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge